S.B. Civil Misc. Appeal No.531/2001
Jeetmal
vs
Shri Suleman & Ors.

DATE OF ORDER : - 2.8.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr.T. Gupta, for the appellant.
Mr.UCS Singhvi, for the respondent no.4

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The motor accident claim petition filed by the claimant-appellant was dismissed by the tribunal as the appellant-claimant failed to serve the owner of the vehicle even in 8 years and no serious efforts have been made by the appellant-claimant for serving the owner of the vehicle. The appellant preferred appeal to challenge the order of the tribunal dated 2.2.2005 by which the appellant-claimant's petition was dismissed in above circumstances. Before this Court also, in appeal, the appellant failed to serve the driver and owner of the vehicle in almost about four years. Not only the notices were given 'Dasti' to the appellant for service upon the concerned respondents, but when the notices were not served, this Court dismissed the appeal against the driver and owner of the vehicle by order dated 6th April, 2005. Since the appeal has been dismissed against the driver and owner of the vehicle, therefore, the appeal against only Insurance Company cannot survive.

In view of the above, the appeal of the appellant is dismissed.

(Prakash Tatia), J.

c.p.goyal/-